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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/753,579 | 01/04/2001 | Hiddenobu Nishida | 0969-0171P | 2025 |

2292 7590 07/29/2003

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EXAMINER

LAMB, BRENDA A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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1734

10

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/753,579

Applicant(s)

Nishize et al

Examiner

LAMB

Group Art Unit

1734

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 4/14/03
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-15 is/are pending in the application.
- ☐ Of the above claim(s) is/are withdrawn from consideration.
- ☒ Claim(s) 7-10 and 13-15 is/are allowed.
- ☒ Claim(s) 1-6 and 11-12 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 1734

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 11-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Polster.

Polster teaches the apparatus and method for treating a variety of workpieces which is comprised of dipping baths arranged on each side of the conveyor or device for moving the article from place to place wherein the workpiece is rotated either to the right or left of conveyor to dip the workpiece into the bath.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipate by Pedersen.

Pedersen teaches apparatus and method for dipping workpieces in a series of treatment baths. Pedersen method and apparatus is comprised of a conveyor and a carrier which is swung above the treatment bath in a plane that is substantially perpendicular to the direction of travel of the conveyor to cause the workpiece to immerse and emerge from the treatment bath for dipping. Thus every claimed feature of claim 1 is taught by Pedersen. With respect to claim 3, Pedersen shows the conveyor is positioned in one level plane. With respect to claims 5 and 6, Pedersen teaches that the carrier does not move forward in the conveying direction or the carrier stops until the carrier is in the fully raised position and, therefore, the conveyor inherently stops until the carrier has traveled upwardly from the downward position. With respect to claim 4, Pedersen shows more than one bath in series such that the dipping treatment is capable of being performed in sequence. With respect to claim 2, Pedersen shows that the conveyor assembly includes portions that extend above the treatment bath and the conveyor assembly has a movable section which rotates with the carrier in a plane which is perpendicular to the direction of travel of the conveyor (see Figures 3-4).

Claims 7-10 and 13-15 are allowed.

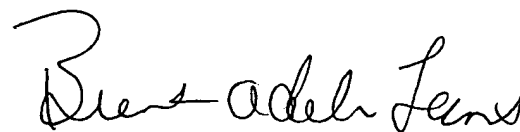
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Applicant's arguments with respect to claims 1-6 and 11-12 have been considered but are moot in view of the new grounds of rejection.

Claims 7-10 and 13-15 are allowed.

Any inquiry concerning this communication should be directed to Brenda Lamb at telephone number 703-308-2056. The examiner can normally be reached on Monday and Wednesday through Friday with alternate Tuesdays off.

B. A. Lamb/mn
July 1, 2003

A handwritten signature in cursive script, reading "Brenda A. Lamb".

**BRENDA A. LAMB
PRIMARY EXAMINER**